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ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

CITY OF WEST CHICAGO, ILLINOIS,)

Petitioner.)

v.)

UNION PACIFIC RAILROAD
COMPANY,)

and)

ILLINOIS DEPARTMENT OF
TRANSPORTATION,)

Respondents.)

NO. T- 01-0027

**PETITION FOR PERMISSION TO OPEN A GRADE
CROSSING OF A PUBLIC HIGHWAY WITH
RAILROAD TRACKS AND FOR ALLOCATION
OF THE COSTS OF CONSTRUCTION OF
THE CROSSING AND CROSSING PROTECTION DEVICES**

Pursuant to 625 ILCS 5/18c-7401(3) and 92 Ill. Adm. Code 1536.30, the CITY OF WEST CHICAGO, ILLINOIS ("City") hereby petitions for permission to open a grade crossing of a public highway with railroad tracks of a registered rail carrier, to wit: construction of an extension of Atlantic Drive over railroad tracks owned by Union Pacific Railroad Company ("UP") to connect with Woodland Avenue in the City of West Chicago, IL ("Atlantic Drive extension").

GENERAL DESCRIPTION OF PROPOSED GRADE CROSSING

The Atlantic Drive extension is designed to improve public safety in West Chicago by diverting truck traffic away from residential areas to a collector truck route removed from residential development. Attached to this Petition as Exhibit 1 is a map of the area affected by the

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Atlantic Drive extension. Substantial truck traffic has moved from industrial areas easterly over Hawthorne Lane and Arbor Avenue (shown in light blue on the map) to Illinois Route 59 (shown in red). That truck traffic passed through two subdivisions containing a total of more than 250 single-family-homes and a townhome development, having more than 50 units, all as shown by green shading on the map. Representatives of those residential areas have requested the City on numerous occasions to eliminate trucks from Hawthorne Lane due to their high speeds, many near accidents, children's safety, wide turning radius to access Arbor Avenue which stalls traffic flow, and noise considerations.

It is proposed that such truck traffic be diverted from Hawthorne north onto Atlantic Drive, continuing north on Woodland Avenue (both shown in dark blue on the map) to Illinois Route 64 (shown in yellow). The Atlantic Drive extension (shown in green dashed lines) would connect Atlantic Drive with Woodland Avenue, crossing UP tracks in the process. Exhibit 2 attached to this Petition is a Location Map which shows the Atlantic Drive extension.

In anticipation of establishment of the Atlantic Drive Extension, the City recently enacted an ordinance prohibiting truck traffic on Hawthorne Lane east of Atlantic Drive and on Arbor Avenue. While that action should help to alleviate the safety problem on Hawthorne and on Arbor, it has had the effect of overtaxing Powis Road from Hawthorne Lane to Illinois Route 64, and Kress Road from Hawthorne to Illinois Route 38, over which the truck traffic formerly moving on Hawthorne and Arbor to Route 59 is now moving (Powis Road shown in purple and Kress Road shown in green on map Exhibit 1). The Atlantic Drive extension is needed to ease that burden on Powis Road and Kress Road and to make permanent the safety benefits of routing truck traffic away from Hawthorne and Arbor east of Atlantic Drive.

Although there would be significant motorized traffic that would use the proposed grade crossing (average daily traffic count of 5,108 vehicles), there would be little railroad traffic at that location. The railroad tracks at the proposed crossing are used for the sole purpose of providing rail service to the facilities of Master Halco located at the intersection of Atlantic Drive and Winston Street (see map Exhibit 2). Rail service is provided to Master Halco only about eight times per month. That service is always performed in daylight hours, usually between 9 a.m. and 12 noon. Trains that serve Master Halco consist of a locomotive and no more than three freight cars, each of 60-foot length (more than 80 percent of the time there is only one or two of such cars). Trains move over the tracks at a speed of no more than 10 m.p.h. All of those factors greatly reduce any risk to public safety posed by the proposed crossing.

As additional support for its Petition, the City submits the following.

1. The City is an Illinois municipal corporation created pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*
2. UP is a rail carrier operating tracks within the State of Illinois. As here pertinent, UP owns and operates tracks in a generally east-west direction that are used for the sole purpose of providing rail service to the facilities of Master Halco near the intersection of Atlantic Drive and Winston Street in West Chicago, IL.
3. The proposed crossing will be constructed, and thereafter will be maintained, in all respects consistent with the requirements of 92 Ill. Adm. Code 1535.203 through 1535.207.
4. General plans or plats showing with reasonable certainty the nature, location and construction of the proposed crossing as contemplated by 92 Ill. Adm. Code 1535.202 are attached to this Petition as Exhibit 3. The track marked "Spur" on page 1 of Exhibit 3 and

marked "Union Pacific spur" on page 7 of Exhibit 3 will be removed prior to construction of the Atlantic Drive Extension. It is proposed that the extension be constructed of concrete across the Union Pacific trackage.

5. Public necessity requires opening the crossing resulting from the extension of Atlantic Drive to eliminate dangerous truck traffic from residential areas of West Chicago, as explained earlier in this Petition.

6. The criteria for opening new grade crossings set forth in 92 Ill. Adm. Code 1536.40(a) are satisfied for the proposed crossing in the following respects:

- a. Present vehicular access is inadequate to the areas to be served by the proposed crossing. Hawthorne Lane especially is a heavily-traveled, accident-prone means of vehicular access to the area.
- b. There are no practical means to provide alternate vehicular access to the area at a cost equal to or less than the cost of establishing the proposed crossing.
- c. The proposed crossing would not meet the Commission's criteria for closure specified in 92 Ill. Adm. Code 1536.20 in that it is to be located in an incorporated area and will have average daily vehicular traffic equal to or greater than 25 and a train volume and speed index equal to or less than 240. There are an average of less than 2 trains per week over the subject trackage moving at a speed of less than 10 m.p.h.
- d. The proposed crossing would have average daily traffic of at least 1,000 vehicles per day within three years after the crossing is established.

- e. The location of the proposed crossing would not interfere with UP's operational activities, such as switching and usage of passing track, that might result in substantial delay or hazard to motor vehicles.
- f. The proposed crossing would not pose risks to train crews or motorists beyond those normally associated with at-grade crossings.

7. In light of infrequent train traffic at the sites of the proposed crossing and the slow speed of such trains, the proposed crossing would be adequately protected by crossbucks only. A member of the train crew could flag the crossing on the infrequent occasions when a short train would pass by the crossing.

8. The Commission should allocate the cost associated with construction of the proposed crossing and installation of associated crossing protection devices to the Grade Crossing Protection Fund.

WHEREFORE, the City respectfully requests that the Commission enter an order authorizing construction of the proposed crossing and associated crossing protection devices, and providing that the cost thereof be borne by the Grade Crossing Protection Fund.

Respectfully submitted,

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Petitioner

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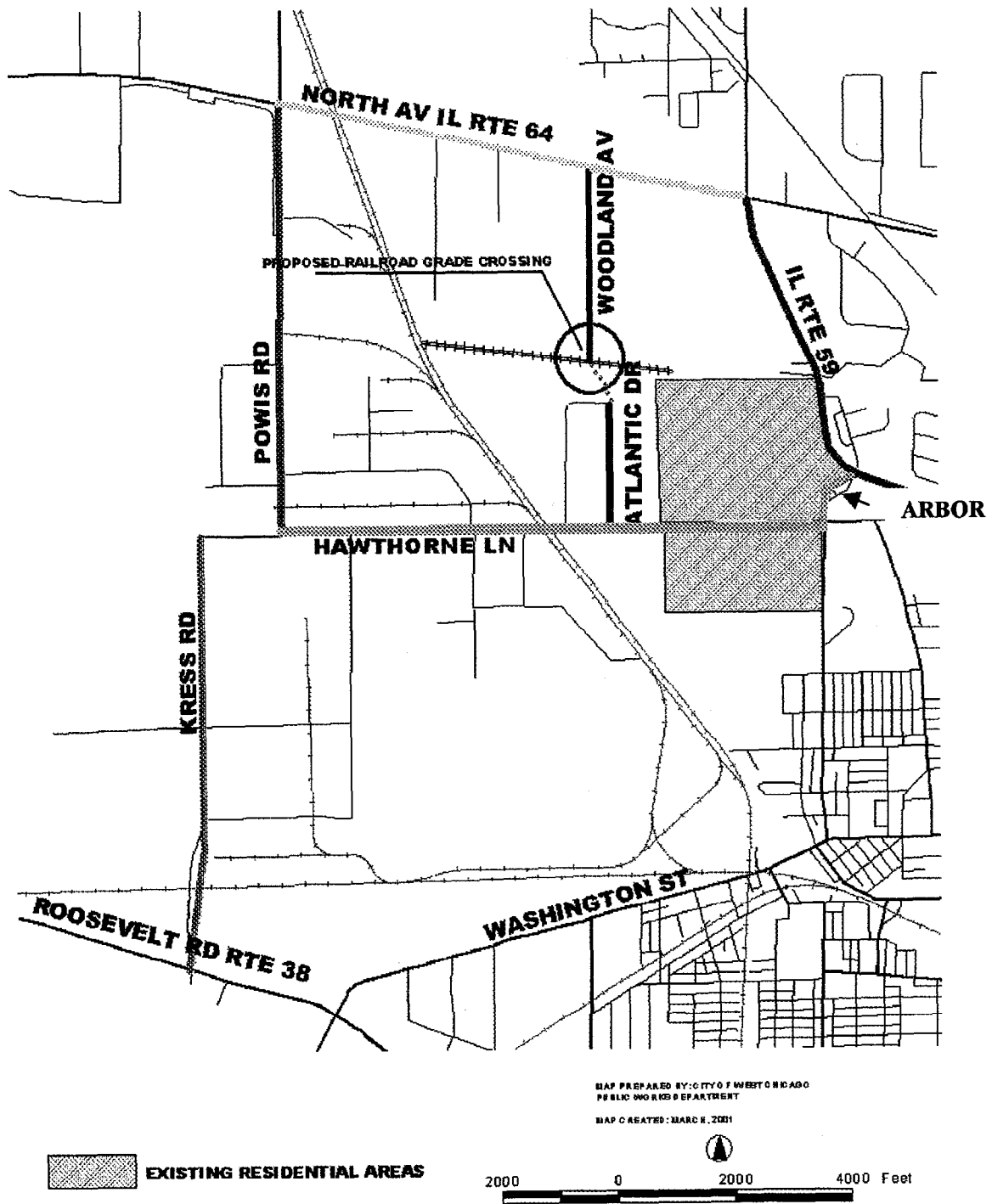
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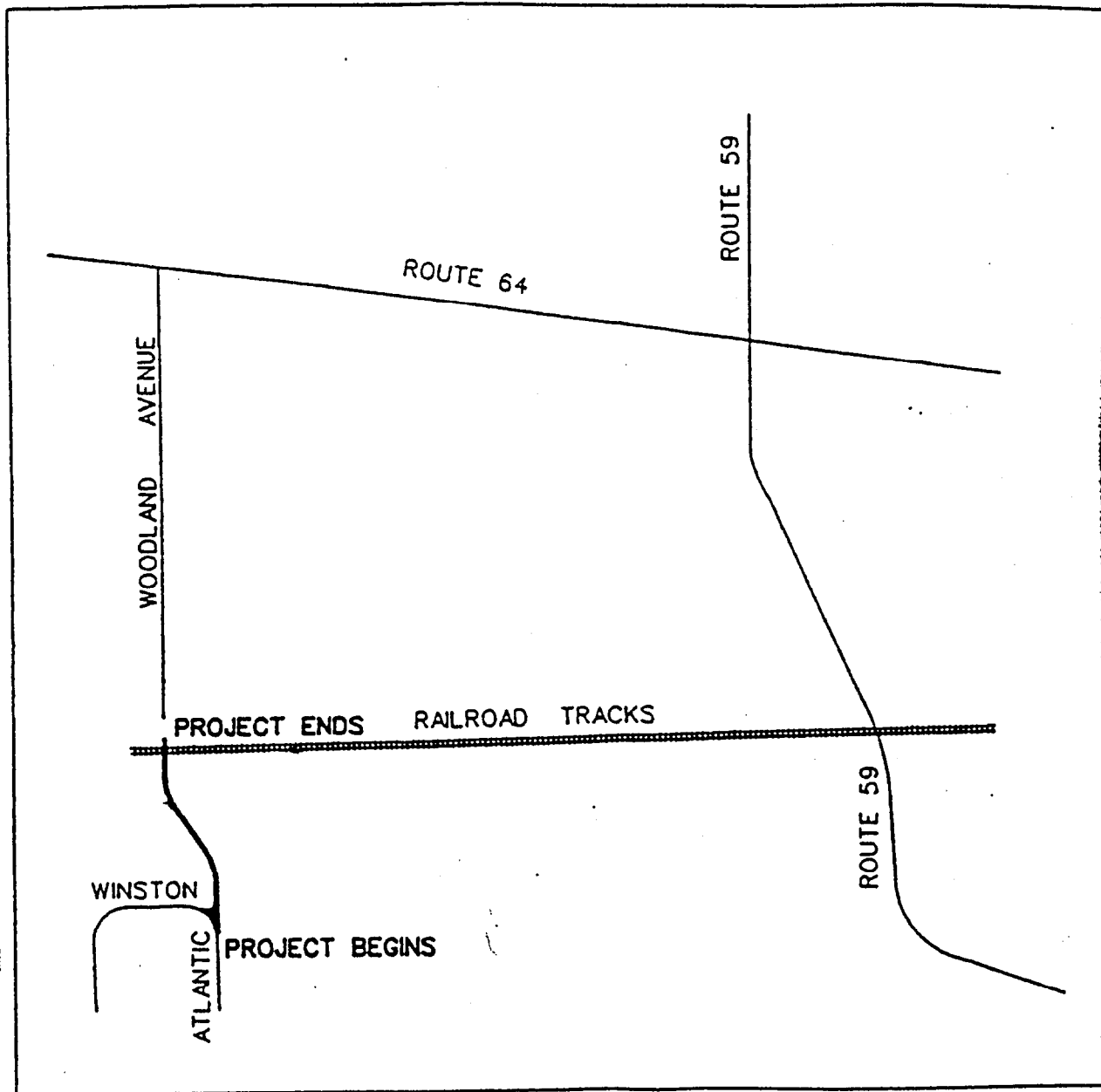
Attorneys for Petitioner

Date Filed: April 2, 2001

EXHIBIT 1



WAYNE TOWNSHIP T 40 N
CITY OF WEST CHICAGO



LOCATION MAP

IMPROVEMENT LENGTH - 1200 LINEAL FEET OR 0.23 MILES